

**REMARKS**

The applicants have carefully reviewed the office action mailed on June 25, 2004. The applicant thanks the Examiner for indicating that claims 88-110 are allowed. In response to the Office action, the applicant has amended claim 111 in a way that is believed to eliminate a rejection based on 35 U.S.C. §112.

In the office action, the Examiner rejected claims 1-42 under 35 U.S.C. §101 as claiming the same invention as that disclosed in commonly assigned U.S. Patent Application No. 09/712,135. That application has since been abandoned and accordingly the applicant respectfully requests withdrawal of the provisional double patenting rejection.

The Examiner also rejected claims 1 and 22 under 35 U.S.C. §101 as provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 4 of commonly assigned U.S. Patent Application No. 09/970,768. The applicant hereby terminally disclaims the portion of any patent term beyond the expiration of a patent that issues from U.S. Patent Application No. 09/970,768 to the extent that any patent issues therefrom containing claims 1 and 4 as presented.

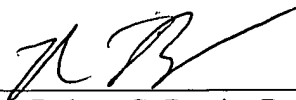
The Examiner also rejected claims 1-6, 22-26, 43-47, 48-53, 54, 58, 59-61, 62 and 76 under 35 U.S.C. §102 over U.S. Patent No. 6,373,859 to Jedwab et al. ("Jedwab"). Jedwab does not disclose the use of a Go-CDMA matrix, however, for operation. To the contrary, Jedwab teaches the use of different codes and thus does not teach or anticipate embodiments of the present invention.

For the foregoing reasons, reconsideration and allowance of the remaining claims is respectfully requested. If the Examiner has any questions about this Amendment and to facilitate prosecution, the Examiner is encouraged to call the undersigned attorney.

Respectfully submitted,

SWIDLER BERLIN SHEREFF FRIEDMAN, L.L.P.

Dated: December 27, 2004

By: 

Robert C. Bertin, Registration No. 41,488  
3000 K Street, NW, Suite 300  
Washington, D.C. 20007  
(202) 424-7500 Telephone  
(202) 295-8478 Facsimile